



UNITED STATES AIR FORCE **MEDIATOR CERTIFICATION PROGRAM**

Office of the General Counsel
Dispute Resolution Division
SAF/GCD

I. Introduction

The Dispute Resolution Division of the Air Force General Counsel's Office (SAF/GCD) is responsible for Air Force Alternative Dispute Resolution (ADR) policy and manages the Air Force ADR Program, including general oversight of Air Force mediation standards in workplace disputes. The predominant mediation method for Air Force workplace disputes is the facilitative method. To be fully successful, the facilitative method requires a mediator with considerable skills and experience. Most mediators in Air Force workplace disputes are internal, collateral duty Air Force mediators, supplemented by contract mediators, OCI mediators (for EEO complaints) and other federal agency mediators. Under current guidelines as reflected in AFI 51-1201, paragraphs 22 and 23, an Air Force mediator must meet the following minimum standards: (1) satisfactory completion of the Air Force Basic Mediation Course or a comparable course consisting of at least 30 hours of combined classroom and role-playing mediation instruction focusing on the facilitative method of mediation; (2) maintain acceptable proficiency through the active mediation of cases (the AFI recommends at least four per year); (3) a minimum of 8 hours of refresher training per year; (4) appointment by the installation commander or designee; and (5) adherence to the applicable Standards of Conduct. For EEO complaint mediations, the mediator must also meet EEOC requirements specified in Management Directive 110, Chapter 3, section IV.b.

Beyond these minimum requirements, there is currently no Air Force program to certify mediator competency or to formally recognize specific qualifications, such as specialized training or experience. Nevertheless, as the Air Force Dispute Resolution Specialist (AFDRS), SAF/GCD firmly believes that the health of any ADR program depends on the quality and skills of its neutrals, and that these skills must be developed and honed over time with training and experience. Moreover, effective delivery of mediation services requires matching the proper skill-level and experience of a mediator with the issues and complexities of a particular dispute. The goal of the Air Force Mediator Certification Program is to recognize mediation skills and to provide proficient dispute resolution capabilities by encouraging new and experienced mediators, and the ADR Champions who assign them to cases, to improve their skills through a combination of continuing education, training and further mediation experience.

II. Program Description

The attached Air Force Mediator Certification Program Guidelines establish the certification requirements for Air Force mediators and the minimum standards for basic, intermediate, advanced, and master levels of proficiency (Levels I through IV of mediator certification, respectively). These levels of proficiency assure proper management of the mediator corps,

while also assuring the quality of mediation services provided to the parties in Air Force workplace disputes. Each level (except Level I) builds on its predecessor, so that each level includes the requirements of the level(s) below it. This makes it easier for certified mediators to apply for higher levels of certification without having to reestablish their qualifications at their current level.

SAF/GCD does not expect or desire that all Air Force mediators aspire to Level IV. The escalating rigor of the requirements from Level I to Level IV is intended to maintain a distribution of mediation skills that resembles a pyramid. We expect all Air Force mediators who are being maintained on mediator rosters to be able to meet the certification requirements of at least Level I, even if they choose not to seek certification. Most Air Force mediators on active rosters should also be qualified for Level II certification, whether they seek certification or not. ADR Champions or others who manage mediator rosters should view the Level II requirements as their guidepost for allocating mediation assignments and training opportunities, even if they do not require mediators to be Level II certified. Level III and especially Level IV are intended for those mediators who, through a combination of experience and training, have demonstrated their ability to effectively mediate any workplace dispute under any circumstances. Because of the more stringent certification requirements, the Air Force anticipates the number of mediators achieving Level III and Level IV certification will be relatively small.

III. Certification is Voluntary

The Air Force Mediator Certification Program is *voluntary*. MAJCOMs and installations are not required to adopt it for their mediators, and certification is not required for Air Force mediators to mediate Air Force workplace disputes, except in two circumstances: following a phase-in period described in Section 11b of the Guidelines, Air Force mediators must be at least Level II certified to: (1) Go TDY on Air Force ADR Program funds (administered by GCD) to mediate cases at other bases, and (2) Mentor or co-mediate with other mediators for the purpose of evaluating and recommending them for Level I certification. All other mediation duties will continue to be unrestricted regardless of certification status, subject to the minimum qualifications set forth in AFI 51-1201, paragraphs 22 and 23.

Notwithstanding the voluntary nature of certification (except as noted above), MAJCOMs and installations *may* set their own standards for mediator proficiency within their commands by requiring collateral duty mediators to meet specific certification levels as set forth in the program, and they are encouraged to do so. ADR Champions at MAJCOM and installation levels are reminded that competency of the mediator is a standard of conduct (AFI 51-1201, para 23.7), for which both the mediator *and* the ADR Champion are responsible. While certification at Level I, Basic, provides *prima facie* evidence of a minimum degree of competency for purposes of ethical standards, it may not define the required level of competency for more complicated or difficult cases. Mediation of disputes with complex or unusual issues, significant command and/or outside interest, a history of animosity between the parties, or a combination of these factors, may require mediators with qualifications signified only by the higher levels of certification. MAJCOMs or installations shall not under any circumstances require certification at any level higher than Level II (Intermediate).

The Air Force Mediator Certification Program Guidelines include a “grandfather” provision (Section 9) that allows for immediate certification at Level I or Level II. Notwithstanding the other provisions in the Guidelines, currently active Air Force mediators who meet the specific criteria of the “grandfather” provision are automatically eligible for either Level I or Level II certification (even if they would not meet other, separate requirements specified for Levels I and II, such as three co-mediations and favorable evaluations). In those cases, SAF/GCD will immediately certify the mediator at the Level indicated for a period of two years. The purpose of this provision is to “front-load” the certification program with currently active mediators with sufficient mediation experience to presumptively demonstrate mediation competence commensurate with those Levels of certification. This “grandfather” clause is available only for Level I and Level II certification. Any mediator who believes he or she qualifies for Level III or IV must meet the requirements specified for those levels and follow the application procedures set forth in the Guidelines.

IV. Implementation Schedule

Subject to finalization of the system of records notice covering the application records, SAF/GCD anticipates the program being formally implemented effective 1 January 2006. There will be a one-year phase-in period for those provisions requiring Level II certification (Section 2). All other provisions are effective upon implementation.

V. SAF/GCD Points of Contact

The Air Force Mediator Certification Program is intended to provide a uniform, standardized means for ensuring the quality of Air Force mediators and to provide those mediators with clear goals to aid their professional aspirations. Suggestions to improve the program or make it more responsive to the needs of Air Force mediators and parties in Air Force workplace disputes are welcome. Please direct all questions, comments and recommendations regarding the certification program in general, or the standards required, to Marc Van Nuys at (703) 588-2221 (DSN 425-2221), or marc.vannuys@pentagon.af.mil, or to Linda Myers at (703) 588-2220 (DSN 425-2220), or linda.myers@pentagon.af.mil.

Attachment: U.S. Air Force Mediator Certification Program Guidelines

Attachment

UNITED STATES AIR FORCE **MEDIATOR CERTIFICATION** **PROGRAM GUIDELINES**

1. Purpose, Scope and Definitions.

- a. To implement a voluntary certification program for Air Force mediators.
- b. To provide a graduated certification process recognizing varying levels of training and experience.
- c. To ensure a means for Air Force mediators to meet ethical standards of competency.
- d. To improve and maintain a skilled corps of Air Force mediators to provide the highest quality mediation services to disputants in Air Force workplace disputes.
- e. For purposes of this Program, an Air Force mediator is a civilian employee or uniformed member of the Air Force who mediates or is authorized to mediate Air Force workplace disputes (including EEO/MEO complaints, employee grievances and appeals, and other employee or labor-management disputes arising in Air Force facilities), whether as part of his or her full-time duties or on a collateral duty basis. Mediators from non-Air Force sources (e.g., contract mediators, OCI and other federal agency mediators) are not Air Force mediators and are not covered by this certification program.
- f. For purposes of this Program, and in particular the “Requirements for Certification” in Section 4 below, the term “mediation” shall have the meaning ascribed to it in AFI 51-1201, Attachment 1.

2. Implementation and Compliance.

- a. Certification is voluntary. SAF/GCD will not require any Air Force mediator to apply for certification or to be certified at any level in order to be eligible for duties as a mediator in an Air Force workplace dispute, except as follows:
 - 1) Mediators who are sent TDY to mediate disputes at other installations using Air Force ADR Program funds (administered through GCD) shall be at least Level II certified. GCD may waive this requirement on a case-by-case basis when sufficient extenuating circumstances are shown.
 - 2) Mediators who mentor or co-mediate with another mediator for the purpose of evaluating and recommending that mediator for Level I certification under Section 4.a (4) below shall be at least Level II certified.

- b. Notwithstanding Section 2.a. above, a MAJCOM may in its discretion require Level I or Level II certification for Air Force mediators assigned to installations under its Command who are appointed to mediate workplace disputes at those installations.
- c. Notwithstanding Section 2.a above, an Air Force installation may in its discretion, if not prohibited by the parent MAJCOM, require Level I or Level II certification for any Air Force mediator assigned to that installation and appointed to mediate workplace disputes.
- d. The limitations in Section 2.a. above are subject to a one-year “phase-in” period described in Section 11.b. below.

3. Certifying Authority.

- a. The Deputy General Counsel for Dispute Resolution (SAF/GCD) is the Air Force Dispute Resolution Specialist, responsible for Air Force ADR policy and compliance. The Associate General Counsel in charge of the ADR program for workplace disputes in SAF/GCD is the certifying authority for certification levels I through III.
- b. Level IV certifications must be personally approved, in writing, by the Deputy General Counsel for Dispute Resolution.

4. Requirements for Certification.

- a. Level I (One) Certification (Basic). To qualify for Level I certification, a mediator shall:
 - 1) Satisfactorily complete the AF Basic Mediation Course or comparable course (at least 30 hours) that teaches the facilitative model of mediation.¹ Completion of a course other than the AF Basic Mediation Course may require proof of completion and proof of curriculum to ensure compatibility.
 - 2) Demonstrate mediator characteristics and standards of conduct (e.g., judgment, temperament, communication and listening abilities, comprehension, impartiality, demeanor, etc.) as attested to by the installation ADR Champion.²

¹ **Basic Mediation Course Requirements:**

- Introduction to the Mediation Process: Facilitative Model
- Interest-Based Negotiation: Theory and Practicum
- Introduction to case Intake and Logistics (Convening)
- Understanding Active Listening and Application
- Effective Agreement Writing: Components and Practicum
- Understanding Mediator Ethics: Standards, and Practicum
- Understanding and Adhering to Confidentiality Requirements: Theory, Analysis and Practicum
- Introduction to Case Screening: Criteria and Practicum
- Mediation Role Plays (minimum of three, with at least one as the mediator)

² The term “ADR Champion” is defined in AFI 51-1201, Attachment 1, as “[a]n individual appointed...to promote the use of ADR processes for resolving workplace disputes, to facilitate the development and implementation of the organization’s workplace disputes ADR plan, and to provide oversight of the organization’s workplace disputes

- 3) Be appointed by the Installation Commander or Designee as a collateral duty mediator, IAW AFI 51-1201, ¶ 22.3, or otherwise be available for assignment by the ADR Champion to mediate workplace disputes.
- 4) Participate in a minimum three (3) co-mediations or mediation mentoring sessions in actual Air Force workplace disputes, each under the guidance of an experienced (Level II certification or higher) mediator, who provides feedback, a written evaluation, and recommendation for certification.
- 5) Have no pending complaints of ethical or professional standards violations.
- 6) Be recommended for Level I certification by the installation ADR Champion, accompanied by the written evaluations. If the recommendation disagrees with the evaluations, the ADR Champion will address the basis for disagreement in the recommendation.

- b. Level II (Two) Certification (Intermediate). To qualify for Level II certification, a mediator shall:

*Have a current Level I certification or show completion of all requirements for Level I certification, **plus**:*

- 1) Have a minimum 25 career mediations, at least 15 of which are in Air Force workplace disputes and at least 8 of which occurred in the preceding two years.
- 2) Have a minimum 8 hours of continuing development or refresher in interest-based negotiation or facilitation skills per year for the preceding two years.
- 3) Have a minimum 8 hours of Diversity Training, including cultural and gender diversity.
- 4) Be qualified to mediate EEO cases IAW EEOC MD-110, Chapter 3, § IV.b.³
- 5) Have a satisfactory record of evaluations from mediation participants.
- 6) Be recommended for Level II certification by the installation ADR Champion.

- c. Level III (Three) Certification (Advanced). To qualify for Level III certification, a mediator shall:

*Have a current Level II certification or show completion of all requirements for Level II certification, **plus**:*

- 1) Have a minimum of 75 career mediations, at least half of which are in Air Force workplace disputes, with a demonstrated resolution (settlement) rate of 70% or better.
- 2) Have a minimum 20 mediations during the preceding three years.

ADR program.” IAW AFI 51-1201, ¶ 12, the installation ADR Champion is responsible for managing the installation’s ADR program. Each installation should have only one ADR Champion for workplace disputes.

³ EEO Qualifications can be Obtained by:

- A minimum 16 hours training on federal EEO complaint procedures, theories of discrimination and remedies, OR
- Actual experience with the federal EEO process as an EEO Counselor, EEO Manager, OCI investigator, or labor attorney

- 3) Have a minimum 16 hours of continuing education in conflict resolution knowledge, skills, and abilities (Dispute Resolution or Collaborative Decision Making) during each of the preceding three years.
 - 4) Successfully complete the Air Force Advance Mediation Course with a grade of B or higher.
 - 5) Be recommended for Level III by the faculty of the AF Advanced Mediation Course.
 - 6) Have a minimum of 10 career mediations in which the parties were represented by individuals and/or organizations.
 - 7) Have no pending complaints, or substantiated previous complaints of ethical or professional standards violations.
 - 8) Be recommended for Level III by the installation ADR Champion, with concurrence by the MAJCOM ADR Champion.
- d. Level IV (Four) Certification (Master). To qualify for Level IV certification, a mediator shall:

*Have a current Level III certification or show completion of all requirements for Level III certification, **plus**:*

- 1) Have a minimum 150 career mediations, at least half of which are in Air Force workplace disputes, with a demonstrated resolution (settlement) rate of 75% or better.
 - 2) Have a minimum 40 mediations during the preceding three years.
 - 3) Successfully complete an Advanced Negotiation or Conflict Resolution course (minimum 24 hours).
 - 4) Demonstrate ability to competently mediate complex and/or high visibility disputes.
 - 5) Be recommended for Level IV by the installation and MAJCOM ADR Champions.
 - 6) Be personally approved for Level IV in writing by the Deputy General Counsel for Dispute Resolution (SAF/GCD).
- e. Waiver and Substitution of Requirements.
- 1) SAF/GCD may waive a particular requirement for certification at any level if, in its judgment, the applicant can otherwise demonstrate compliance with the standards of competency for that level. For example, SAF/GCD may waive all or part of the co-mediation/mentoring requirement for Level I certification if the applicant produces a written recommendation signed by a Level III or Level IV certified mediator and based on actual observation of the applicant's unassisted performance as a mediator in an actual mediation. Waivers will be considered on a case-by-case basis and will not be routinely granted.
 - 2) SAF/GCD may, in its discretion, substitute other qualifying training or experience for one or more requirements in any level. For example, if an applicant for Level III or IV certification has completed a graduate-level program in conflict or dispute resolution at an accredited college or university, SAF/GCD will substitute that training for the requisite Advanced Mediation training or courses in Advanced Negotiation or Conflict Resolution. SAF/GCD will also substitute mediation experience gained in other federal agency or private sector workplace disputes if, in

its judgment, such experience provides the necessary grounding to provide the degree of competency required for a particular level of certification.

5. Application for and Issuance of Certification.

- a. A mediator may apply for certification at any level whose requirements he or she believes are met.
- b. The application shall be in writing, in no particular format, specifically identifying the requirements for the level for which the mediator is applying and the applicant's qualifications relevant to those requirements. The application must be signed and dated by the applicant. Include with the application documentation sufficient to support each of the requirements for certification at that Level. See Section 6 for examples of acceptable documentation.
- c. All applications for certification should be submitted through the mediator's servicing ADR Champion, who will ensure the application is complete and includes all required documentary support. Ensure the application contains the contact information, including duty phone number (DSN and commercial), duty section mailing address, and official email address (if applicable) of both the applicant and the servicing ADR Champion.
- d. The ADR Champion will attach his or her recommendation for or against certification. A recommendation against certification, or a recommendation that varies from the recommendations of co-mediators or mediation mentors in a Level I certification application, must give reasons for the recommendation. All recommendations must be signed and dated by the ADR Champion.
- e. Applications for Level I and II certifications should be sent directly to SAF/GCD, 1777 N. Kent Street, Suite 11500, Arlington VA 22209. Applications for Level III and IV certifications must go to the MAJCOM ADR Champion for endorsement before being forwarded to SAF/GCD. Allow at least 10 duty days for regular mail, two duty days for FedEx or other overnight service deliveries (preferred).
- f. SAF/GCD will review each application and, if the requirements are met, will issue to the mediator a signed and dated certificate indicating the appropriate level of certification. If an application for certification fails to meet the requirements for the level applied for, but does meet the requirements for certification at a lower Level, SAF/GCD will issue a certification at the lower level, giving its reasons for the lower-level certification. If the applicant is already certified at the lower level, the certification will be treated as a recertification at that level IAW Section 7. The servicing ADR Champion will also be notified of the certification or recertification. If SAF/GCD denies an application for certification and does not issue a certification or recertification at a lower level, it will notify the applicant and the ADR Champion of the denial in writing, specifying the reason(s) for the denial.

- g. SAF/GCD will maintain a roster of all certified Air Force mediators, indicating the level of certification, date of issue and expiration date.

6. Documentation Requirements.

- a. Documentary support for any level of certification must be sufficient to demonstrate its authenticity and relevance to the requirement it supports.
- b. Acceptable documentation includes:
 - 1) Photocopies of evaluations signed and dated by the co-mediator or mediation mentor for Level I certifications.
 - 2) Photocopies of training certificates, diplomas, DD Forms 1556, transcripts, or other documents showing satisfactory completion of training or education necessary to support the level of certification applied for (e.g., basic and advanced mediation training, EEO training, conflict resolution training, diversity training, graduate programs in conflict resolution). For non-Air Force basic mediation training, documentation should include a photocopy of the course syllabus or a brochure showing the subjects and activities covered.
 - 3) Originals of all recommendations for certification, signed and dated by the recommending official (e.g., installation or MAJCOM ADR Champion).
 - 4) Signed originals of other recommendations for certification the applicant wants GCD to consider. For example, letters from other mediators or instructors in training programs attended by the applicant.
 - 5) For number of mediations performed and settlement rate (if applicable), either a record kept in the normal course of business showing total career mediations performed and mediations performed within the requisite time period and their outcomes, OR, in the absence of such a record, an original written statement, signed by the applicant and attested by the ADR Champion, providing this information in a manner sufficient to reasonably establish its accuracy and completeness.⁴
 - 6) A photocopy of the letter of appointment as a mediator signed by the applicant's installation commander or designee.
 - 7) A statement, signed by the servicing ADR Champion, indicating that the applicant has no pending complaints (or previous substantiated complaints, if required by the level of certification) for violation of ethics requirements or standards of conduct. This statement may be included in the ADR Champion's recommendation for certification (6.b.(3) above).
 - 8) Any other document of apparent authenticity showing that the applicant meets one or more requirements of the level for which he or she is applying.
- c. In cases where the authenticity or relevance of a document cannot be determined, SAF/GCD may contact the applicant and/or the ADR Champion for additional information. Unless there is specific evidence that a document is not authentic or was

⁴ The installation's annual ADR report to GCD should show the number of career mediations and mediations during the applicable time period for mediators listed in the report, but it does not show career settlement rates.

submitted in bad faith, SAF/GCD will give the applicant the benefit of the doubt and treat the document as authentic.

7. Duration of Certification and Recertification.

- a. Certification for all levels is valid for a period of two (2) years from the date it is issued by SAF/GCD.
- b. A certification may be renewed for an additional period of two years if the renewal request is submitted to SAF/GCD within 60 days after the expiration date of the prior certification period. To be recertified at the current level, the applicant must furnish evidence that during the previous two years he or she performed at least eight (8) mediations, received required mediation refresher training, and had no violations of ethical or professional standards of conduct.
- c. Certification will be renewed at the same level unless the applicant furnishes evidence demonstrating he or she meets certification standards at a higher level, in which case SAF/GCD will treat the renewal as an application for certification at the higher level and issue the certification accordingly.

8. Decertification.

- a. SAF/GCD may decertify any certified mediator for a substantiated violation of ethical or professional standards. The servicing ADR Champion will be notified of any decertification action involving a mediator assigned to a location for which the ADR Champion is responsible.
- b. An installation ADR Champion can decertify individual mediators for violation of ethical or professional standards, after notifying the MAJCOM ADR Champion and SAF/GCD.
- c. Decertification does not *per se* disqualify a mediator from further service as an Air Force mediator, but may be a basis for initiation of action under AFI 51-1201, paragraph 40.1 (“Complaints About Mediation Services”).

9. Eligibility for Immediate Level I or II Certification.

- a. Notwithstanding any other provision herein, including “Requirements for Certification” (Section 4 above) and “Application for and Issuance of Certification” (Section 5 above), an Air Force mediator is eligible for immediate certification at Level I or II if he or she meets the requirements set forth in “b” or “c” below, as appropriate.
- b. A mediator is eligible for immediate Level I certification if he or she:
 - 1) Is currently on an active mediator roster and available for assignment for mediation duties or can demonstrate current mediation activity;

- 2) Has performed a minimum ten (10) mediations of which at least eight (8) were solo, and at least four (4) of which occurred in the past year;
 - 3) Has no pending complaints for violation of ethics or professional standards; and
 - 4) Has completed basic mediation training (Air Force Basic Mediation Course or comparable), and at least eight (8) hours refresher or comparable training within the past year.
- c. A mediator is eligible for immediate Level II certification if he or she:
- 1) Meets the criteria specified in subsections 9.b (1), (3) and (4) above;
 - 2) Has performed a minimum fifty (50) mediations or co-meditations or combination thereof, at least ten (10) of which occurred in the past year; and
 - 3) Is qualified to mediate EEO cases IAW EEOC MD-110, Chapter 3, § IV.b.
- d. In evaluating applications for immediate certification under this Section, SAF/GCD may substitute other experience or qualifications for the listed requirements above in accordance with Section 4(e).

10. Records Management.

- a. Personal information submitted or generated in connection with an application for certification will be stored on paper and/or electronic media. Proper measures to limit access (e.g., locking file cabinets, electronic passwords) will be maintained.
- b. Records are subject to the Privacy Act, 5 U.S.C. 552a. The system of records notice was published in Vol. 70, No. 226 of the *Federal Register*, page 71096, on 25 November 2005, with an effective date of 27 December 2005. Use the following blanket PAS:

Authority: Administrative Dispute Resolution Act of 1996, 5 U.S.C. 573, Neutrals; 10 U.S.C. 8019, General Counsel of the Air Force.

Purpose: To evaluate Air Force mediators for certification at certain skill levels commensurate with knowledge, training and experience.

Routine Uses: This information will be used to determine whether to certify Air Force mediators who apply for certification, and at what level of proficiency. In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), these records may be disclosed outside DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the DoD “Blanket Routine Uses” published at the beginning of the Air Force’s compilation of record system notices.

Disclosure is voluntary. However, failure to provide the information requested may result in denial of certification.

- c. Records will be subject to the records disposition requirements applicable to Air Force Mediator Utilization Management Records, F051 SAFGC A. Applications for

certification and all associated documents will be retained in SAF/GCD during the active period of certification and for one (1) year after certification lapses, after which they will be destroyed. Rejected applications for certification will be retained in SAF/GCD for a period of one (1) year and then destroyed.

11. Effective Date, Phase-In Period, and Program Revisions.

- a. The Mediator Certification Program shall be effective upon distribution to Major Commands, Direct Reporting Units, and installations managing active collateral duty mediator rosters, but no earlier than 1 January 2006.
- b. The mandatory provisions of Section 2a(1) and (2) shall be phased in over a one-year period from the effective date. During this phase-in period, SAF/GCD will sanction TDY travel and co-mediation evaluations by mediators who are not Level II certified. All other provisions are effective upon implementation of the certification program on or after 1 January 2006.
- c. SAF/GCD may make revisions to the Mediator Certification Program from time to time, subject to MAJCOM and base-level ADR Champion review and comment, which shall be effective upon publication to the field through command channels and/or by posting for general access on the Air Force ADR Program website, www.adr.af.mil.